

## Major Purposes of the Proposed 1993 General Plan Amendment

The general plan of the County is our foundational document for evaluating development proposals and making consistent decisions. It's text should not be changed often or without good reason.

This is the first overall evaluation of the text of the general plan since 1987. Unlike the complete text rewrite adopted in 1987, staff is proposing relatively minor, "fine-tuning" types of amendments. The following list summarizes the major directions pursued by staff in this project:

- 1) Make sure all contents mandated by State law are included in the text. These mandates are outlined in the proposed amendment entitled, "General Plan Preparation Report."
- 2) Identify which County department is responsible for each implementation measure included in the text.
- 3) Include new policies adopted by the Board since 1987.
- 4) Land Use Element policies relating to spheres of influence have been reworded to eliminate redundancy and make them more readily understandable.
- 5) A new land use designation, Mineral Resources, is being proposed.
- 6) Proposed language related to surface mining is included in the Open Space/Conservation Element.
- 7) Out-of-date information is proposed to be updated or eliminated.
- 8) Appendices with additional information are proposed as a part of the Land Use and Circulation elements.
- 9) Errors are being corrected.
- 10) Clarification of land uses which are considered noise sensitive is proposed in the Noise Element.

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## STANISLAUS COUNTY

### GENERAL PLAN PREPARATION REPORT

The 1987 Stanislaus County General Plan calls for the plan to be re-evaluated every five years. In an effort to satisfy the standards of State law and to update certain aspects of the 1987 text which are unclear or out-of-date, the proposed amended text of the General Plan is attached. This report lists and discusses the State requirements for a General Plan and how they relate to Stanislaus County's Plan. This Plan Update is not a major rewrite of the current Plan. Overall, we believe the Plan and its goals and policies have served the County well, such that major change are not needed.

Unless otherwise stated the following statutes are from the Government Code. The notation ". . ." is inserted where the statute is addressing cities.

**65300. Each planning agency shall prepare and the legislative body of each county . . . shall adopt a comprehensive, long-term general plan for the physical development of the county.**  
...

Stanislaus County adopted its present comprehensive General Plan in 1987 and has amended the text and the diagram of that plan on various occasions since that year. The text of the plan, in two volumes, has been used as the guide for proposed development in the County. The two volumes produced in 1987 were the General Plan and the General Plan Support Document. No amendments are proposed to the Support Document. The intent of the proposed amendments is to guide future development through at least 1998.

**65300.5. In construing the provisions of this article, the Legislature intends that the general plan and elements and parts thereof comprise an integrated, internally consistent and compatible statement of policies for the adopting agency.**

This is also the intent of Stanislaus County.

**65300.7. The Legislature finds that the diversity of the state's communities and their residents requires planning agencies and legislative bodies to implement this article in ways that accommodate local conditions and circumstances, while meeting its minimum requirements.**

The intent of this plan and these proposed amendments thereto is to satisfy the requirements of State and Federal laws as they relate to development in the County and to compose implementation measures practical for our local needs. The plan specifically notes the community plans and needs of the communities in this County, and policy agreements with the Cities in this County.

**65300.9. The Legislature recognizes that the capacity of California . . . counties to respond to state planning laws varies due to the . . . differences among them in physical size and characteristics, population size and density, fiscal and administrative capabilities, land use and development issues, and human needs. It is the intent of the Legislature in enacting this chapter to provide an opportunity for each . . . county to coordinate its local budget planning and local planning for Federal and State program activities, such as community development, with the local land use planning process, recognizing that each . . . county is required to establish its own appropriate balance in the context of the local situation when allocating resources to meet these purposes.**



County staff is being utilized to write this document.

**65301.(a).** The general plan shall be so prepared that all or individual elements of it may be adopted by the legislative body, and so that it may be adopted by the legislative body for all or part of the territory of the County. . . . The general plan may be adopted in any format deemed appropriate or convenient by the legislative body, including the combining of elements. The legislative body may adopt all or part of a plan of another public agency in satisfaction of all or part of the requirements of Section 65302 if the plan of the other public agency is sufficiently detailed and its contents are appropriate, as determined by the legislative body, for the adopting . . . County.

Stanislaus County adopted the general plan as one document in 1987, but organized it in elements which may be individually amended. To the extent that the community plans are for local territories and are part of the adopted General Plan, the County has exercised the license permitted above. In addition, the County has merged the conservation and open space elements, as allowed above, because the requirements for those elements include many similarities. The other five elements are presented separately. The County has not adopted the plan of any other agency. It has adopted "community plans" for some unincorporated towns which, while under separate cover, are part of the General Plan.

**(b)** The general plan may be adopted as a single document or as a group of documents relating to subjects or geographic segments of the planning area.

Most of the Stanislaus County General Plan referred to in this report as the general plan, has been adopted as one document. The County recently adopted an agriculture element, (an optional element) and a new housing element separately from the rest of the document.

**(c)** The general plan shall address each of the elements specified in Section 65302 to the extent that the subject of the element exists in the planning area. The degree of specificity and level of detail of the discussion of each such element shall reflect local conditions and circumstances. However, this section shall not affect the requirements of subdivision (c) of Section 65302, nor be construed to expand or limit the authority of the Department of Housing and Community Development to review housing elements pursuant to Section 50459 of the Health and Safety Code. . . .

It is the intent of the County to address the details of Section 65302 in the General Plan. It is the intent of this report to identify existing and/or proposed goals, policies and implementation measures which address those details, and other details required by the law.

**65301.5.** The adoption of the general plan or any part or element thereof or the adoption of any amendment to such plan or any part or element thereof is a legislative act which shall be reviewable pursuant to Section 1085 of the Code of Civil Procedure.

This is understood.

**65302.** The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

The General Plan uses the terms "goals," "policies" and "implementation measures" rather



than the exact terms used in 65302, but staff believes they are acceptable synonyms.

- (a) **A land use element which designates the proposed general distribution and general location and extent of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall designate, in a land use category that provides for timber production, those parcels of real property zoned for timberland production pursuant to the California Timberland Productivity Act of 1982, Chapter 6.7 (commencing with Section 51100) of Part 1 of Division 1 of Title 5.**

The plan includes a land use element. The "general distribution, general location and extent of uses of the land," etc., is primarily identified on the adopted land use diagram. The "diagram" is intentionally somewhat specific and is referred to as the "map." The map specifically identifies "residential" (4 designations), "commercial" (2 designations), "industrial" (3 designations), "agriculture" (which proposed policy 2 of the land use element would officially recognize as the open space designation, without changing the name, because the areas designated agriculture are where most of the functions of open space lands occur in this County), schools, parks, solid and liquid waste facilities in the County, as well as the land use designations of historical, urban transition, planned development and specific plan. The text of the land use element describes the educational facilities, public buildings and grounds, solid and liquid waste disposal facilities with additional detail.

Population densities are designated for the four residential designations as well as the agricultural designation, where residences are permitted. Building intensities are identified for the commercial and industrial designations.

Areas subject to flooding are generally identified in the existing text of the land use element and some amendments are proposed to include additional areas not identified in the existing plan. Review of this area occurs often and regularly by the Public Works Department as they review building permit applications and various discretionary projects throughout the County.

This County does not have any designated timberland. There are about 60 acres of Christmas tree farms which technically meet the definition of "timberland" (according to the Office of Planning and Research), but these trees are not characteristic of the area and are viewed as a crop for the purposes of this document.

- (b) **A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities, all correlated with the land use element of the plan.**

The General Plan includes a circulation element. The location of the existing and proposed major thoroughfares and transportation routes are shown on the General Plan map, where they are correlated with the land use plan. Staff is recommending the map be amended to show the Amtrak terminals in Riverbank and Denair.

Local public utilities and facilities are addressed in a proposed new goal and associated policies and implementation measures. The General Plan Support Document includes the



approximate locations of major pipelines, canals, aqueducts, railways, airports and transmission lines in the County.

**(c) A housing element as provided in Article 10.6 (commencing with Section 65580).**

The Board of Supervisors adopted an amended housing element on July 21, 1992. The preparation and analysis for that element was designed to meet the criteria of Article 10.6.

**(d) A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. That portion of the conservation element including waters shall be developed in coordination with any County-wide water agency and with all district and city agencies which have developed, served, controlled or conserved water for any purpose for the county . . . for which the plan is prepared. The conservation element may also cover:**

- (1) The reclamation of land and waters.**
- (2) Prevention and control of the pollution of streams and other waters.**
- (3) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.**
- (4) Prevention, control, and correction of the erosion of soils, beaches, and shores.**
- (5) Protection of watersheds.**
- (6) The location, quantity and quality of the rock, sand and gravel resources.**
- (7) Flood control.**

**The conservation element shall be prepared and adopted no later than December 31, 1973.**

The combined conservation/open space element is being updated, based upon the 1987 text, with a goal of specifically addressing all of the issues mandated by law. The following comments address the conservation, development and utilization of the eight types of resources first listed in the statute. There is some overlap.

- 1) Water and its hydraulic force: The natural surface waters of the County will be dealt with under "rivers and other waters." The groundwater of the County is addressed in the proposed implementation measure calling for a finding based upon evidence that adequate water is available to permit a proposed new parcel to be used as the applicant says it will be used. Additional reference to groundwater is found in policies related to development in groundwater recharge areas. A third reference is actually in the Zoning Ordinance, and regulates the density of housing in areas without a sewer system as a protection of local ground water quality.

While "hydraulic force" is a vague, undefined term, it is assumed the intent is hydroelectric. There are seven hydroelectric generating facilities in the County; six are operated by the Turlock Irrigation District (La Grange Dam, Dawson Lake outlet, Turlock Lake outlet, Hickman and two sites at Woodward Reservoir) and one by the Modesto Irrigation District (on their Main Canal). Goal eleven of the conservation/open space element addresses this requirement.

- 2) This County has no commercially significant forests. Juniper and pine trees are found toward the crest of the Diablo Mountains, but not in adequate densities to be considered marketable forest lands. Localized stands of Oaks, Cottonwoods, Willows and Sycamores can be found, but again these are too small to be commercially utilized.



The conservation of these groves is a stated policy in this element.

- 3) The soils of this County are evaluated in the 1987 General Plan Support Document, pages 106-108.
- 4) "Rivers and other waters" are discussed under "Water Resources" in the 1987 General Plan support document, pages 109-114. The entire County is in the San Joaquin River watershed. The major rivers are the San Joaquin, Stanislaus and Tuolumne, with short portions of the Calaveras and Merced Rivers passing through the County as well. Major creeks include Duck, Hoods, Little John, Dry, Hospital, Ingram, Del Puerto, Salado, Crow, Orestimba and Garzas. "Other waters" include those of five irrigation districts and sixteen water districts, as well as the California Aqueduct and Delta Mendota Canal. These man-made facilities are protected by policy in the Land Use Element.
- 5) This County has no harbors except for boat ramps at the reservoirs.
- 6) This County has no commercial fisheries. There is recreational fishing in much of the water of the County. Page 124 of the support document describes the limited fisheries in the County. Fish farms are permitted in the agricultural areas of the County where they are regarded as agriculture.
- 7) Wildlife conservation is a policy of the conservation/open space element and is discussed at length in pages 116-141 of the support document. The County routinely contacts both State and Federal wildlife agencies as a part of the environmental review procedure.
- 8) Mineral conservation, development and utilization are all discussed in the conservation/open space element and in pages 114-116 of the Support Document. In addition, an amendment is being proposed to the Land Use Element to create a "Mineral Resources" designation for those lands identified by the State as having mineral deposits of regional or statewide significance.
- 9) The County believes the agricultural industry of the County requires conservation, so the Board of Supervisors has adopted an agricultural element addressing that issue.

As noted under the "water section, above, there are five irrigation districts and sixteen water districts in the County. In addition, water in the California Aqueduct, Delta Mendota Canal, South San Joaquin Irrigation District Main Canal and the Hetch Hetchy Aqueduct pass through the County. Facilities for the Stockton East Water District are under construction in the County, though no water is in the facility at this time. There are seven Community Service Districts providing domestic water in the County. The Cities of Ceres, Hughson, Modesto, Oakdale, Riverbank and Turlock provide domestic water to small areas of the County outside of their corporate limits. The Del Este Water Company, a private water company, provides water in Del Rio, Empire, Grayson, Hickman, and Salida, as well as additional unincorporated areas in the spheres of influence of Ceres, Modesto and Turlock. The Oakdale Irrigation District Provides domestic water for several subdivisions east of Oakdale. The Turlock Irrigation District provides domestic water for the town of La Grange. In addition to these, there are numerous private water providers which are not formed as districts and are too small to qualify as public utilities, located throughout the County. Most of these are associated with businesses, mobile home parks, farm labor camps or small subdivisions. These water systems are regulated and regularly inspected by the County



Department of Environmental Resources. The Federal Government maintains the Farmington Flood Control Basin in the northerly portion of the County, where they have flood easements on all of the parcels they flood, prohibiting construction on those parcels. The Army Corps of Engineers maintains land along the Stanislaus River for conservation, recreation and flooding purposes.

Staff does not propose to address any of the seven optional conservation subjects, except #6, the location, quantity and quality of the rock, sand and gravel resources, which staff proposes to make part of the land use element.

**(e) An open-space element as provided in Article 10.5 (commencing with Section 65560).**

Our conservation/open-space element satisfies Article 10.5, as will be discussed at that point.

**(f) A noise element which shall identify and appraise noise problems in the community. The noise element shall recognize the guidelines established by the Office of Noise Control in the State Department of Health Services and shall analyze and Quantify, to the extent practicable, as determined by the legislative body, current and projected noise levels for all of the following sources:**

- (1) Highways and freeways.**
- (2) Primary arterials and major local streets.**
- (3) Primary and freight on-line railroad operations and ground rapid transit systems.**
- (4) Commercial, general aviation, heliport, helispot, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operations.**
- (5) Local industrial plants, including, but not limited to, railroad classification yards.**
- (6) Other ground stationary noise sources identified by local agencies as contributing to the community noise element.**

Noise contours shall be shown for all these sources and stated in terms of community noise equivalent level (CNEL) or day-night average level (Ldn). The noise contours shall be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified in paragraphs (1) to (6), inclusive.

The noise contours shall be used as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of community residents to excessive noise.

The noise element shall include implementation measures and possible solutions that address existing and foreseeable noise problems, if any. The adopted noise element shall serve as a guideline for compliance with the State's noise insulation standards.

The proposed noise element text is a clarification of the text adopted in 1987. The most significant proposed amendment would specifically identify residences in the Low and Medium Density Residential designations as noise sensitive, as opposed to the existing text which states, "all residences" are considered noise sensitive. Staff believes this makes the noise element more consistent with the land use element. This means a residence in an agricultural zone or a nonconforming residence in a commercial or industrial zone would neither be protected as noise sensitive nor interfere with potential development in those areas because of any "noise sensitive" status it may have. This has been the standard interpretation of staff for several years, but this amendment would clarify the matter.

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The required noise studies are included in the 1987 "General Plan Support Document." They were designed to specifically address the impacts from the types of noise sources listed in the statutes. No further acoustical evaluations are proposed. They are not necessary to keep the County in conformance to state law.

- (g) A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides, subsidence and other geologic hazards known to the legislative body; flooding; and wild land and urban fires. The safety element shall include mapping of the known seismic and other geologic hazards. It shall also address evacuation routes, peakload water supply requirements, and minimum roadwidths and clearances around structures, as those items relate to identified fire and geologic hazards. Prior to the periodic review of its general plan and prior to preparing or revising its safety element, each. . . county shall consult the Division of Mines and Geology of the Department of Conservation and the Office of Emergency Services for the purpose of including information known by and available to the department and the office required by this subdivision.

The proposed safety element is an update of the existing document, to bring it into compliance with new state law. The 1987 Support Documentation includes text briefly describing seismic and geologic hazards in the County (pages 245-250). Since that date County staff has received three additional documents related to geologic hazards to which we refer: 1) the Uniform Building Codes of 1988 and 1991, which show the areas west of Interstate Highway 5 as being seismic area 4, the highest seismic risk; 2) the 1989 Stanislaus County Emergency Plan, which includes a brief section about geologic hazards, and 3) the "Regional Geologic Map Series" (1991), provided by the California Division of Mines and Geology. In addition to these newer studies staff routinely utilizes the information included in soil studies of the County to document soil stability. The existing and proposed texts include goals, policies and implementation measures intended to protect people from unforeseeable risks associated with the specifically listed seismic hazards except for tsunami, which is not considered a significant risk in this County. We also have policies regarding slope stability.

Pages 250-257 of the Support Document address flood hazards.

Pages 257-259 of the Support Document address fire hazards and amendments are being proposed in the text of the safety element to include all standards for development required by the California Department of Forestry and Fire Protection. Proposed amendments include evacuation routes for the towns of Knights Ferry and LaGrange and implementation measures officially authorizing emergency evacuation of those towns.

Water supply requirements for fire protection are proposed for the safety element. There is a proposed amendment to require roadwidths wider than those included in the circulation element where a geologic hazard mandates an unusually wide right-of-way for safety purposes.

The law requires consideration of road widths and clearance around buildings as they relate to fire hazards. The zoning ordinance includes minimum setbacks from the roads in all districts and height limits in all but the agriculture district. Because we are primarily an agricultural County, staff does not believe any unusual risk of any burning building falling into a road is present, where the zone district standards are followed. Should an unusually tall structure be proposed as part of a development proposal, that issue would be addressed as



part of the CEQA review, should the County Fire Safety Department or the local Fire District identify this as an issue

**65302.3(a) The general plan. . . shall be consistent with the plan adopted or amended pursuant to Section 21675 of the Public Utilities Code.**

Section 21675 of the Public Resources Code addresses Airport Land Use Plans. This County adopted the current Airport Land Use Plan (ALUP) in 1978. Staff believes the current plan and the proposed amendments to the General Plan are both consistent with and reinforce the ALUP. That section requires a review of this proposed amendment before the Airport Land Use Commission to determine whether the amended General Plan is consistent with the ALUP.

**65302.5. With respect to the safety element required in the general plan, pursuant to subdivision (g) of Section 65302, each county which contains state responsibility areas, as determined pursuant to Section 4125 of the Public Resources Code, shall comply with Section 4128.5 of the Public Resources Code.**

Section 4125 of the Public Resources Code addresses areas of the state, designated by the State Board of Forestry, where fire fighting is primarily the financial responsibility of the state, known as State Responsibility Areas (SRA). About 1/3 of this County is designated SRA, including all of the County west of Interstate 5 and the area roughly northeast of a line extending from the Farmington Flood Control Basin through Turlock Lake. Proposed text amendments will bring the General Plan into compliance with this section.

**65303. The general plan may include any other elements or address any other subjects which, in the judgment of the legislative body, relates to the physical development of the County. . . .**

The recently adopted Agriculture element is our only extra element. The recently adopted Stanislaus County Emergency Plan and Stanislaus Area Association of Governments Congestion Management Plan though not elements, include policies which staff proposes to incorporate by reference into the General Plan. The County Integrated Waste Management Plan and the County Hazardous Waste Management Plan are both mandated by state law and are now being written. Staff is proposing policy which will incorporate policies from those

documents into the general plan when those documents are adopted. None of these four documents, however, is expected to be written as an additional element.

**65400. After the legislative body has adopted all or part of a general plan, the planning agency shall do both of the following:**

- (a) Investigate and make recommendations to the legislative body regarding reasonable and practical means for implementing the general plan or element of the general plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open space land and natural resources, and, the efficient expenditure of public funds relating to the subjects addressed in the general plan.
- (b) Provide an annual report to the legislative body on the status of the plan and progress in its implementation, including the progress in meeting its share of regional housing needs determined pursuant to Section 65584.



Item (a) above is satisfied with the implementation measures included in the proposed text, some of which propose specific deadlines for implementation. Staff has proposed an amendment to the general plan to include the annual report required in (b) above.

**65560.(a) "Local open-space plan" is the open space element of a County . . . general plan adopted by the board. . . .**

Sections 65560 through 65567 provide the standards for an open-space plan. The conservation/open-space element is designed to meet these standards in addition to those of 65302(d), described earlier.

**(b) "Open-space land" is any parcel or area of land or water which is essentially unimproved and devoted to an open-space use as defined in this section, and which is designated on a local, regional or state open-space plan as any of the following:**

Section 65560(b) appears to be the definition of "open-space land." As stated in proposed amendments to both the land use and the conservation/open-space elements, staff recommends land in the "Agriculture" designation be considered our open-space, and the General Agriculture (A-2) zone district be considered our open space zone, consistent with Section 65910. This designation and zone district more fit the "essentially unimproved" criteria than other lands in the County and contain most of the land described in items (1) through (4) below.

**(1) Open space for the preservation of natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays and estuaries; and coastal beaches, lakeshores, banks of rivers and streams, and watershed lands.**

The plan includes policies to protect wetlands, riparian habitats, woodland habitats, vernal pools and other unique habitats (as listed in the support document). This County has no coastal beaches, bays, estuaries or protected watersheds.

**(2) Open space used for the managed production of resources, including but not limited to, forest lands, rangeland, agricultural lands and areas of economic importance for the production of food or fiber; areas required for recharge of groundwater basins; bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.**

The plan provides protection of agriculture areas (including rangelands and any cotton which may be present), groundwater recharge areas and mineral deposits. The support document notes the value of our rivers to commercial fisheries on page 124. This county has no forest lands.

**(3) Open space for outdoor recreation, including but not limited to, areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams; and areas which serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.**

The plan includes and proposes policies for parkland development, recognition of private



outdoor recreational facilities as being a conditionally acceptable open space land use and addresses potential trail systems. Most of the recognized historical and culturally valuable areas are in the Historic land use designation and are protected through that designation. Native American archaeological sites are protected through that designation. Native American archaeological sites are protected by policies in the conservation/open-space element. Scenic highway corridors are addressed on both pages 78 and 152 of the support document. Many of the utility easements through the county are posted "no trespassing," precluding most of our authority to plan for their public use as open space. The primary exception is the California Aqueduct, which includes a bike path in its right-of-way. Easements along the banks of the Stanislaus River downstream from Goodwin Dam have been purchased by the U S Army Corps of Engineers, for recreational, riparian habitat and floodway purposes. The Tuolumne River Regional Park, a joint project of the cities of Modesto and Ceres and the County, includes plans for park land on both sides of Tuolumne River, from Santa Fe Avenue downstream to Carpenter Road.

- (4) Open space for public health and safety, including, but not limited to, areas which require special management of regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs and areas required for the protection and enhancement of air quality.

The plan includes policies related to developing in seismic areas, landslide prone areas and flood prone areas. The support document addresses all of these on pages 152-156, with the exception of watersheds, as stated above.

**65561. The Legislature find and declares as follows:**

- (a) That the preservation of open-space land, as defined in this article, is necessary not only for the maintenance of the economy of the state, but also for the assurance of the continued availability of land for the production of food and fiber, for the enjoyment of scenic beauty, for recreation and for the use of natural resources.
- (b) That discouraging premature and unnecessary conversion of open-space land to urban uses is a matter of public interest and will be of benefit to urban dwellers because it will discourage noncontiguous development patterns which unnecessarily increase the costs of community services to community residents.
- (c) That the anticipated increase in the population of the state demands that cities, counties and the state at the earliest possible date make definite plans for the preservation of valuable open-space land and take positive action to carry out such plans by the adoption and strict administration of laws, ordinances, rules and regulations as authorized by this chapter or by other appropriate methods.
- (d) That in order to assure that the interests of all the people are met in the orderly growth and development of the state and the preservation and conservation of its resources, it is necessary to provide for the development by the state, regional agencies, counties and cities, including charter cities, of statewide coordinated plans for the conservation and preservation of open-space lands.
- (e) That for these reasons this article is necessary for the promotion of the general welfare and for the protection of the public interest in open-space land.

Staff agrees with these findings. Staff notes the high percentage of land designated agriculture in this County and the recently adopted Agriculture Element, which made conversion of agricultural lands to urban uses even more difficult in this County. Staff is not



aware of any coordinated statewide open-space plan which would satisfy (d).

**65562. It is the intent of the Legislature in enacting this article:**

- (a) To assure that . . . counties recognize that open-space land is a limited and valuable resource which must be considered wherever possible.**
- (b) To assure that every . . . County will prepare and carry out open-space plans which, along with state and regional open-space plans, will accomplish the objectives of a comprehensive open-space program.**

Indeed this County does recognize that open-space land is limited. We conserve it regularly unless this county sees a significant reason to convert the land from open-space. Though staff have not seen any state open-space plan, staff does expect to carry out this open space plan.

Section 65563 calls for the County to adopt an open-space plan before December 31, 1973. Ours was adopted June 26 of that year.

**65564. Every local open-space plan shall contain an action program consisting of specific programs which the legislative body intends to pursue in implementing its open-space plan.**

The plan includes many implementation measures. Many are reactive to development proposals, but some are plans to obtain park and recreation open-space facilities.

**65566. Any action by a county . . . by which open-space land or any interest therein is acquired or disposed of or its use restricted or regulated, whether or not pursuant to this part, must be consistent with the local open-space plan.**

Staff understands this to mean, 1) When the county acquires or disposes of open space land it must be found to be consistent with the conservation/open space element, and 2) land use designation amendments from agriculture and text amendments to the General Agriculture (A-2) zone district must also be consistent with our open-space plan. This is county policy.

**65567. No building permit may be issued, no subdivision map approved, and no open space zoning ordinance adopted, unless the proposed construction, subdivision or ordinance is consistent with the local open space plan.**

The County applies this by requiring building permit consistency with the A-2-zone district and subdivision development conditioned upon the policies of the open space plan, the A-2 zone and the remainder of the general plan.

Article 10.6, including Sections 65580-65589-8, regarding the housing element, has been thoroughly evaluated in the text and support documentation adopted by the Board of Supervisors October 20, 1992.

## **PUBLIC RESOURCES CODE**

**2762.(a) Within 12 months of receiving the mineral information described in Section 2761, and also within 12 months of the designation of an area of statewide or regional significance with its jurisdiction, every lead agency shall, in accordance with state policy, establish mineral resource management policies to be incorporated in its general plan which will:**



- (1) Recognize mineral information classified by the State Geologist and transmitted by the (mining and geology) board.
- (2) Assist in the management of land use which affect areas of statewide and regional significance.
- (3) Emphasize the conservation and development of identified mineral deposits.
- (b) Every lead agency shall submit proposed mineral resource management policies to the (Mining and Geology) board for review and comment prior to adoption.
- (c) Any subsequent amendments of the mineral resource management policy previously reviewed by the (Mining and Geology) board shall also require review and comment by (that) board.

This is in the Surface Mining and Reclamation Act. Staff is proposing to create a new land use designation in the land use element to correspond to those areas designated by the State Geologist as having mineral deposits of either statewide or regional significance. This is noted in the Conservation/Open-Space element as well.

5076. In developing the open-space element of a general plan as specified in subdivision (e) of Section 65302 of the Government Code, every . . . county shall consider demands for trail-oriented recreational use and shall consider such demands in developing specific open-space programs. Further, every . . . county . . . shall consider the feasibility of integrating its trail routes with appropriate segments of the state system.

This Section calls for trails as a part of County recreational planning and encourages integration of the County trail system with the state system where it is feasible. This is proposed in the conservation/open-space element.

#### 4128.5.

- (a) It is the intent of the Legislature that decisions affecting the use of land in state responsibility areas result in land uses which protect life, property, and natural resources from unreasonable risks associated with wild land fires.
- (b) At least 90 days prior to the adoption or amendment to the safety element of its general plan, the planning agency of each county which contains state responsibility areas shall submit the draft element or draft amendment to the board (of forestry) and to every local agency which provides fire protection to unincorporated territory in the County. The board (of forestry) shall, and a local agency may, review the draft and report its written recommendations to the planning agency within 60 days of its receipt of the draft. The board (of forestry) and local agency shall review the draft for consistency with the intent of this section. The board (of forestry) and local agency may offer written recommendations for changes to the draft which would make the draft consistent with the intent of this section.
- (c) Prior to the adoption of its draft element, the board of supervisors of the county shall consider the recommendations made by the board (of forestry) and any local agency which provides fire protection to unincorporated territory in the county. If the board of supervisors determines not to accept all or some of the recommendations, if any, made by the board (of forestry) or local agency, the board of supervisors shall communicate in writing to the board (of forestry) or local agency its reasons for not



**accepting the recommendations. The communication shall explain how its decisions affecting the use of land and policies in state responsibility areas will protect lives, property and natural resources from unreasonable risk associated with wild land fires.**

Staff has proposed amendments to the safety and circulation elements to satisfy this section. The standards adopted by the state to meet this section are known as the "SRA Fire Safe Regulations," as written in Section 1270-1276.03 of Title 14.

**2699. Every . . . county, in preparing the safety element to its general plan pursuant to subdivision (g) of section 65302 of the Government Code, and in adopting or revising land use planning and permitting ordinances, shall take into account the information provided in available seismic hazard maps.**

This section is met by policies in the safety element. Though the County does have recently prepared geologic maps from the State Geologist's office, the referenced "seismic hazard maps" have not been prepared for this County. At such time staff receives those maps staff will propose amendments to our safety element to reference them, and staff will use them as a standard reference tool when evaluating projects in the County.

Other sections regulate the processing of amendments to the General Plan, but staff believes all sections which mandate specific content for the general plan are noted. Staff welcomes comments and corrections to this report and hopes it is a useful tool to help make the General Plan all it should be for the County.







# DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

## PROJECT ENVIRONMENTAL REVIEW

### INITIAL STUDY

PROJECT TITLE: General Plan Amendment 92-07

PROJECT LOCATION: County wide

APN: Not Applicable

PROJECT DEVELOPER: Stanislaus County

PROJECT AGENT: Stanislaus County Planning Department

PROJECT DESCRIPTION: See attachment describing the purposes of the amendment.

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#### A. PROJECT INFORMATION

1. Site Description: This project is not site specific, rather it is a proposed text amendment and effects - at least indirectly - the entire unincorporated area of the county.
2. Character of Surrounding Area: Not applicable.

PLEASE SEE COMMENTS ATTACHED FOR EXPLANATIONS.

#### B. GENERAL CONSIDERATIONS

1. Does the project conform to General Plan proposals including the various adopted elements? (Land Use, Circulation, Housing, Conservation and Open Space, Noise, Seismic Safety, Safety, Recreation, Scenic Routes, or Solid Waste) (See appropriate impact sections for application of specific elements.)

Yes      Maybe      No

General Plan Designation: The proposed text amendments do not propose significant changes to the existing languages in any of the elements.



- |    |   |            |       |           |
|----|---|------------|-------|-----------|
| 2. | Does the project conform to existing (or proposed) zoning classification?   | <u>Yes</u> | Maybe | No        |
|    | Classification: The proposal does not include any suggested rezonings.  |            |       |           |
|    |   |            |       |           |
| 3. | Does it appear that any feature of the project, including aesthetics, will generate significant public concern?   | Yes        | Maybe | <u>No</u> |
|    | No concern is expected.   |            |       |           |
|    |   |            |       |           |
| 4. | Will the project require approval or permits by other agencies?   | <u>Yes</u> | Maybe | No        |
|    | Amendments to the Safety Element must be reviewed by the State Board of Forestry according to section 4128.5(b) of the Public Resources Code. Amendments related to mineral resources must be reviewed by the State Mining and Geology Board according to section 2762(b) of the Public Resources Code. |            |       |           |
|    |   |            |       |           |
| 5. | Could this project set a precedent for growth not anticipated by the General Plan?  | Yes        | Maybe | <u>No</u> |
|    | Staff believes the proposals merely codify in the General Plan language which is already county policy. See the attachment for further clarification. We do not believe either mitigation measures or monitoring plans will be necessary.   |            |       |           |

## C. ENVIRONMENTAL IMPACTS

Will the proposed project result in significant impacts in any of the listed categories? Significant impacts are those which are substantial, or potentially substantial, changes that may adversely affect the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant. (Section 15372, State CEQA Guidelines. Appendix G of the Guideline contains examples of possible significant effects.)

- |    |   |     |       |           |
|----|---|-----|-------|-----------|
| 1. | <u>Earth</u> - Will the proposal result in or be subject to:                    |     |       |           |
|    | a) Erection of structures within a seismic area?                                | Yes | Maybe | <u>No</u> |
|    | b) Grading (consider amount and aesthetics)?                                    | Yes | Maybe | <u>No</u> |
|    | c) Slides, liquefaction, or other hazards on or immediately adjoining the site? | Yes | Maybe | <u>No</u> |



d)	Adverse solid or topographic characteristics (consider prime soils, slope, slope stability, soils limitations)?	Yes	Maybe	<u>No</u>
e)	Wind or water erosion of soils, on-site or off?	Yes	Maybe	<u>No</u>

This project is only a package of text amendments to the General Plan, as described in the attachment. There are no proposals to change our CEQA review procedure. Staff sees nothing present requiring any mitigation measures or monitoring plan in these regards. Amendments to the Safety Element include proposals we believe will increase seismic safety in some areas.

2. **Air** - Will the project result in deterioration of existing air quality, including creation of objectionable odors? Yes Maybe No

We believe not. Proposed amendments related to air quality primarily relate to recognizing the San Joaquin Valley Unified Air Pollution Control District as responsible for air quality management in this county. Mitigation and monitoring are not necessary.

3. **Water** - Will the project result in:

a)	Erection of structures within a designated flood (hazard prone) area?	Yes	Maybe	<u>No</u>
b)	Contribution to cumulative downstream impacts?	Yes	Maybe	<u>No</u>
c)	Reduction of surface or ground water quality or quantity?	Yes	Maybe	<u>No</u>
d)	Alteration of drainage or run-off patterns (consider cumulative downslope areas)?	Yes	Maybe	<u>No</u>
e)	Disruption of stream or water bodies?	Yes	Maybe	<u>No</u>

We believe not. Proposed amended language notes additional areas of potential flood hazard. No mitigations or monitoring are necessary.

4. **Plant/Animal Life** - Will the project result in:

a)	Changes in the diversity of species, or numbers of any species of plants or animals?	Yes	Maybe	<u>No</u>
b)	Reduction of the number of any unique, rare or endangered species of plants or animals?	Yes	Maybe	<u>No</u>



c)	Introduction of new species of plants or animals into an area or inhibition of the normal replenishment, migration or movement of existing species?	Yes	Maybe	<u>No</u>
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d)	Reduction in existing fish or wildlife habitat?	Yes	Maybe	<u>No</u>
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The proposed amendments include some increased standards of wildlife protection and no reductions. No mitigations or monitoring plans are necessary.

5. **Noise** - Will the project result in:

a)	Increases from existing noise levels?	Yes	Maybe	<u>No</u>
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b)	Construction within a noise-impacted or noise-sensitive area?	Yes	<u>Maybe</u>	No
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We are proposing clarification of the definition of noise sensitive land uses. The Noise Element currently makes agricultural land with a house on it noise sensitive according to one definition and not according to another. We note that the standards written by the State do not show it as noise sensitive and propose to clarify the issue in our Plan by eliminating agricultural residences from the noise sensitive category.

6.	<b><u>Natural Resources</u></b> - Will the project affect the potential use, extraction, conservation or depletion of a natural resource?	Yes	Maybe	<u>No</u>
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A new land use designation of "Mineral Resources" has been proposed to correspond to those areas identified by the State as having significant deposits of mineral resources. This is in compliance with the Surface Mining and Reclamation Act.

7.	<b><u>Utilities</u></b> - Will the project result in the need for new systems or alterations to the following utilities: electrical, natural gas, communications, water, sewer, storm drainage, or solid waste disposal?	Yes	Maybe	<u>No</u>
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Amendments are proposed to the Circulation Element to include language required by statute related to utilities.



8. Public Services - Will the project result in the need for:

- a) New or altered services in the following areas:  
fire protection, police protection, schools,  
flood control, or other public works facilities,  
or other governmental services? Yes Maybe No

Amendments are proposed to the Circulation and Safety Elements related to Fire Roads, as required by statute, to the Land Use Element related to recent legislation regarding School District Impact Fees. The amendments are intended to keep the county in compliance with law.

9. Transportation/Circulation - Will the project:

- a) Generate additional vehicular movement with initiation or intensification of circulation problems (consider road design, project access, cumulative impacts, congestion, hazards to vehicles or pedestrians)? Yes Maybe No
- b) Affect existing parking facilities or demands for new parking? Yes Maybe No
- c) Impact existing rail, air or public transportation systems? Yes Maybe No

Proposed amendments are intended to reduce impacts on circulation. The Public Works Department has proposed a list of designated collector routes which should be at least 80' wide for safety. In addition they recommend amending the standards for major routes from 100' to 110' in width because a rural four lane road cannot be designed in 100' of right-of-way. They have also proposed inclusion of Bangs Avenue west of Dale Road as a future right-of-way. Amendments regulating private roads are proposed. The only proposed amendment related to parking requires truck parking spaces for Highway oriented commercial developments. The two Amtrak Stations will be added to the General Plan map, as required by law. Minor amendments related to land uses around public airports are proposed. Language requiring "new towns" to include public transportation is proposed.

10. Aesthetics - Will the project obstruct any public scenic vista or view, create an aesthetically offensive site open to public view, or produce new light or glare? Yes Maybe No

No aesthetic impacts are evident to staff.

11. Recreation - Will the project affect existing, or create demand for additional, recreational sites? Yes Maybe No



Amendments are proposed to bring the policies of the General Plan into compliance with state law.

12. **Archaeological/Historical** - Are there known archaeological, historical or other resources on the site or in the general vicinity? Yes Maybe No

This is not site specific. No proposals will adversely impact any archaeological or historical resources in the county.

13. **Hazard** - Will the project result in a risk of explosion, release of hazardous substances or other dangers to public health or safety? Yes Maybe No

Amendments to the Safety Element include evacuation routes from both Knights Ferry and La Grange and inclusion of the Hazardous Waste Management Plan.

14. **Agriculture** - Will the project result in:

- a) Reduction in acreage of any agricultural crop? Yes Maybe No
- b) Impacts on agricultural practices of surrounding land? Yes Maybe No
- c) Impacts on the project from surrounding agricultural practices? Yes Maybe No

Proposed amendments to the Open Space/Conservation Element include amended policies related to surface mining, which would no longer mandate that all agricultural lands be reclaimed for agricultural purposes. The reduction in total crop land is not expected to be significant or adverse. We see no potential impact associated with b) or c).

#### D. MANDATORY FINDINGS OF SIGNIFICANCE

These findings are based on information contained in Section C. (A "Yes" on any of the following questions requires preparation of an EIR.)

1. Will the project degrade the quality of the environment? Yes Maybe No
2. Will the project achieve short-term, to the disadvantage of long-term, environmental goals? Yes Maybe No

3. Will the project have impacts which are individually limited but cumulatively considerable? Yes Maybe No
4. Will the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly? Yes Maybe No

DISCUSSION: The proposal is intended to update the current text of the General Plan to meet state law and recently adopted county policies. The amendments are intended to improve the standards of development in the county.

**DETERMINATION - On the basis of this Initial Study:**

X The proposed project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.

— The proposed project could have a significant effect on the environment. There will not be a significant effect in this case, because the mitigation measures described have been included in the project. A NEGATIVE DECLARATION will be prepared.

— The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Prepared by:

\_\_\_\_\_  
Chip Sellers, Assistant Planner

Date: March 23, 1993

CS:lm\P1



## Major Purposes of the Proposed 1993 General Plan Amendment

The general plan of the County is our foundational document for evaluating development proposals and making consistent decisions. It's text should not be changed often or without good reason.

This is the first overall evaluation of the text of the general plan since 1987. Unlike the complete text rewrite adopted in 1987, staff is proposing relatively minor, "fine-tuning" types of amendments. The following list summarizes the major directions pursued by staff in this project:

- 1) Make sure all contents mandated by State law are included in the text. These mandates are outlined in the proposed amendment entitled, "General Plan Preparation Report."
- 2) Identify which County department is responsible for each implementation measure included in the text.
- 3) Include new policies adopted by the Board since 1987.
- 4) Land Use Element policies relating to spheres of influence have been reworded to eliminate redundancy and make them more readily understandable.
- 5) A new land use designation, Mineral Resources, is being proposed.
- 6) Proposed language related to surface mining is included in the Open Space/Conservation Element.
- 7) Out-of-date information is proposed to be updated or eliminated.
- 8) Appendices with additional information are proposed as a part of the Land Use and Circulation elements.
- 9) Errors are being corrected.
- 10) Clarification of land uses which are considered noise sensitive is proposed in the Noise Element.
- 11) Development policies for new large-scale remote developments are proposed.

## NEGATIVE DECLARATION

**NAME OF PROJECT:** General Plan Amendment No. 92-07

**LOCATION OF PROJECT:** This is a text amendment, not involving any specific location.

**PROJECT DEVELOPER:** Stanislaus County

**DESCRIPTION OF PROJECT:** General Plan Text Update

Based upon the Initial Study, dated March 23, 1993, the Environmental Coordinator finds as follows:

1. This project does not have the potential to degrade the quality of the environment, nor to curtail the diversity of the environment.
2. This project will not have a detrimental effect upon either short-term or long-term environmental goals.
3. This project will not have impacts which are individually limited but cumulatively considerable.
4. This project will not have environmental impacts which will cause substantial adverse effects upon human beings, either directly or indirectly.

The aforementioned findings are contingent upon the following mitigation measures (if indicated) which shall be incorporated into this project: There were no significant adverse impacts noted and therefore no mitigation measures are proposed as a part of this project.

The Initial Study and other environmental documents are available for public review at the Department of Planning and Community Development, 1100 H Street, Modesto, California.

Initial Study prepared by: Chip Sellers, Assistant Planner

Submit comments to: Environmental Coordinator  
Stanislaus County  
Planning and Community Development Department  
1100 H Street  
Modesto, California 95354



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